

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2006 Division: Growth Management
Bulk Item: Yes ☐ No ☒ Department: Planning and Environmental Resources
Staff Contact Person: Aref Joulani

AGENDA ITEM WORDING:

Public hearing on the request by John C. and Wendi A. Moore to amend the land use district (zoning) map from Suburban Commercial (SC) to Mixed Use (MU), Re #s 00537400.000000; 00537410.000000; 00537420.000000.

ITEM BACKGROUND:

John C. and Wendi A. Moore are requesting an amendment to the land use designation from Suburban Commercial (SC) to Mixed Use (MU), a designation that allows detached residential dwellings to increase the potential opportunities for redevelopment of the property.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: N/A

COST TO COUNTY: N/A

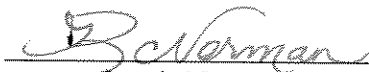
BUDGETED: Yes ☐ No ☐

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:



Ronda Norman, Acting Division Director

DOCUMENTATION: Included ☒ Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

**MONROE COUNTY LAND USE DISTRICT (ZONING)
MAP AMENDMENT**

**FROM SUB URBAN COMMERCIAL (SC)
TO MIXED USE (MU)**

JOHN C. AND WENDI A. MOORE

**BOARD OF COUNTY COMMISSIONERS
KEY LARGO
FEBRUARY 15, 2006**

**MONROE COUNTY LAND USE DISTRICT (ZONING)
MAP AMENDMENT**

**FROM SUB URBAN COMMERCIAL (SC)
TO MIXED USE (MU)**

**A REQUEST BY JOHN C. AND WENDI A. MOORE TO
AMEND THE LAND USE DISTRICT (ZONING) MAP**

RECOMMENDATIONS

STAFF:	Approval	September 6, 2005
DRC:	Approval	September 6, 2005 Resolution # D16-05
PC:	Approval	September 28, 2005 Resolution # P39-05

DRAFT BOCC ORDINANCE

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY JOHN C. AND WENDI A. MOORE FOR A LAND USE DISTRICT MAP DESIGNATION AMENDMENT FROM SUB URBAN COMMERCIAL (SC) TO MIXED USE (MU) FOR PROPERTIES LEGALLY DESCRIBED AS LOT 1, LOT 2 AND LOT 3, BLOCK 13, LAKE SURPRISE ESTATES, KEY LARGO, MONROE COUNTY, FLORIDA, AT APPROXIMATE MILE MARKER 106. THE REAL ESTATE NUMBERS ARE 00537400.000000, 0053741.000000 AND 0053742.000000; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on February 15, 2006, conducted a review and consideration of the request filed by John C. and Wendi A. Moore, to amend the zoning map from Sub Urban Commercial (SC) to Mixed Use (MU) land use district for the properties described as Lot 1, Lot 2, and Lot 3, Block 13, Lake Surprise Estates, Key Largo, Monroe County, Florida, having the real estate identification numbers 00537400.000000, 0053741.000000 and 0053742.000000; and

WHEREAS, based on the recommendation of the Development Review Committee, DRC Resolution No. D16-05, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Key Largo on September 28, 2005. Based on the facts presented at the meeting, the Planning Commission recommended approval to the Board of County Commissioners of the rezoning as indicated in Resolution No. P39-05; and

WHEREAS, the Board of County Commissioners makes the following **Findings of Fact**:

1. The pre-1986 zoning of the subject property was BU-1 and BU-2.
2. During the 1986 Comprehensive Plan process, the land use districts of the subject property were changed to Sub Urban Commercial (SC) consistent with the previous commercial zoning.
3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Mixed Use Commercial for the three parcels.

4. **Section 9.5-511 (d) (5) b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
5. In accordance with **Section 9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions**, the applicant has established that existing detached residential dwellings in the SC district are an indication of how actual development differs from the possible SC development and support a land use district map designation that would allow detached residential dwellings.
6. In accordance with **9.5-511 (d) (5) (b) (IV) New Issues**, the applicant has established that the Department of Transportation has expressed a requirement that any business that would attract significant vehicular traffic to the site, install a deceleration lane at the applicants sole cost on U.S. 1, should the applicant choose to develop the property commercially. The projected cost of the deceleration lane is stated as \$100,000.
7. The applicant initiated the land use change application to reclassify the Block 13, Lots 1, 2 and 3, Lake Surprise Estates to a land use district that would recognize the existing character of the area and allow detached residential dwellings.
8. **Policy 101.4.5** of the Monroe County Year 2010 Comprehensive Plan states that the principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category: only low intensity commercial uses shall be allowed; a maximum floor area ratio of 0.10 shall apply; and maximum net residential density shall be zero.
9. **Sec. 9.5-219 Purpose of the Mixed Use District (MU)** states that the purpose of the MU district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.
10. **Section 9.5-248 Mixed Use District (MU)** indicates that the MU zoning district permits detached residential dwellings and is the most applicable zoning district for the proposed land use change.
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.
14. **Goal 102** of the Monroe county Year 2010 Plan states that Monroe County shall direct future growth to lands that are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

WHEREAS, the Board of County Commissioners makes the following **Conclusions of Law**:

1. The land use district map amendment meets the requirements outlined in **Section 9.5-511** and the requirements meets the intent and purpose of **Section 9.5-219**.
2. The proposed land use district map amendment supports **Objective 101.11** which states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development based on the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater.
3. The proposed land use district map amendment is sufficiently consistent with Goal 102 of the Monroe county Year 2010 Comprehensive Plan, as it is consistent with the purpose of the Mixed Use/Commercial (MC) Future Land Use category.
4. The propose land use district map amendment will not have a negative impact on community character.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the Findings of Fact and Conclusions of Law stated above.

Section 2. The previously described properties shall be rezoned to Mixed Use (MU), which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

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PASSED AND ADOPTED By the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15th day of February 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray E. Nelson
Commissioner George Neugent
Commissioner Dixie M. Spehar
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor Charles "Sonny" McCoy

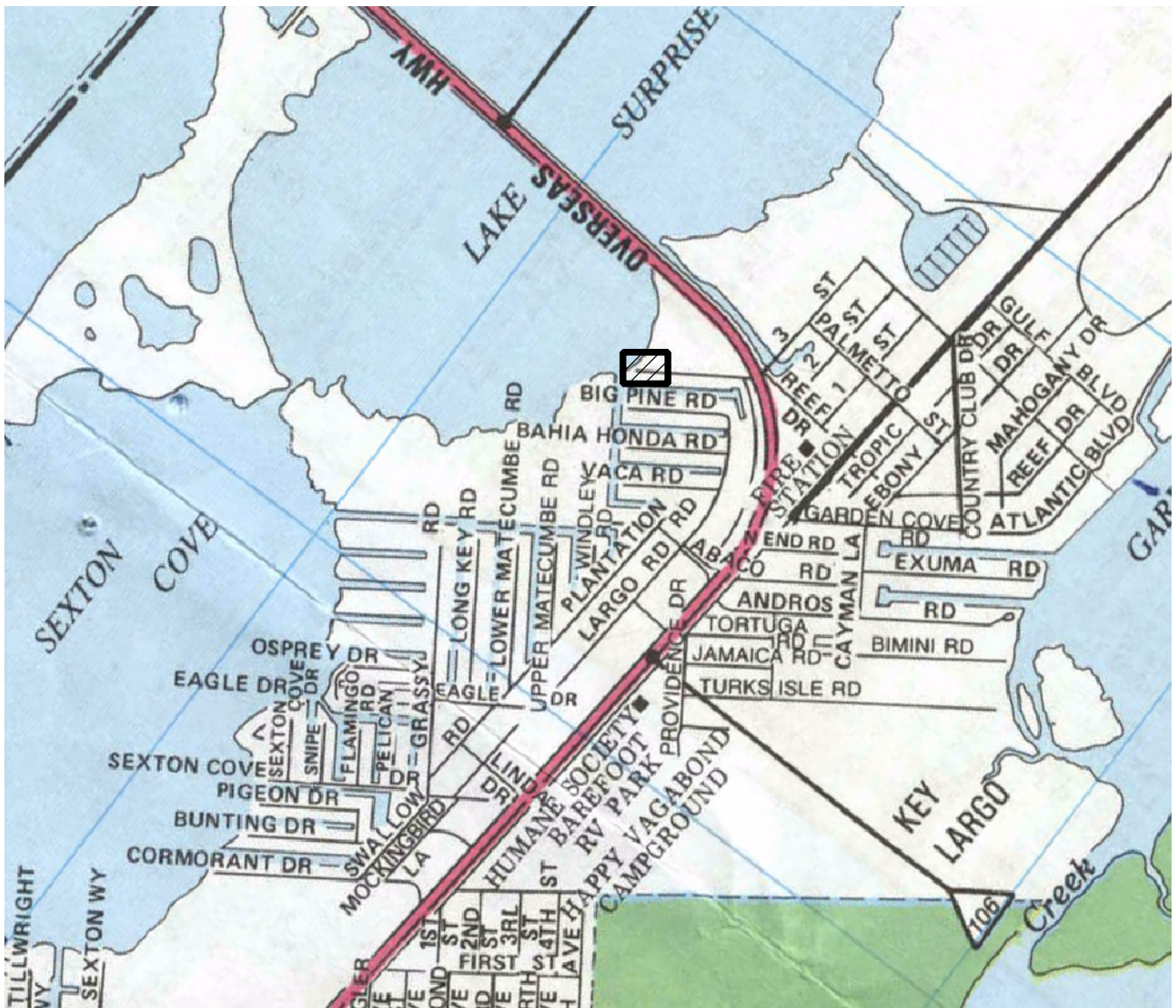
(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK

Deputy Clerk



EXHIBIT ONE



Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

Mile Marker: 106.5

Proposal: Change Land Use District from Suburban Commercial District (SC) to Mixed Use District (MU).

Property Description: RE 00537400.000000, 00537410.000000, and 00537420.000000

Map Amendment: M25074

Land Use District Map #: 104



Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

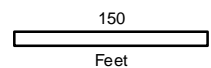
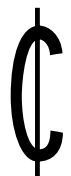
Mile Marker: 106.5

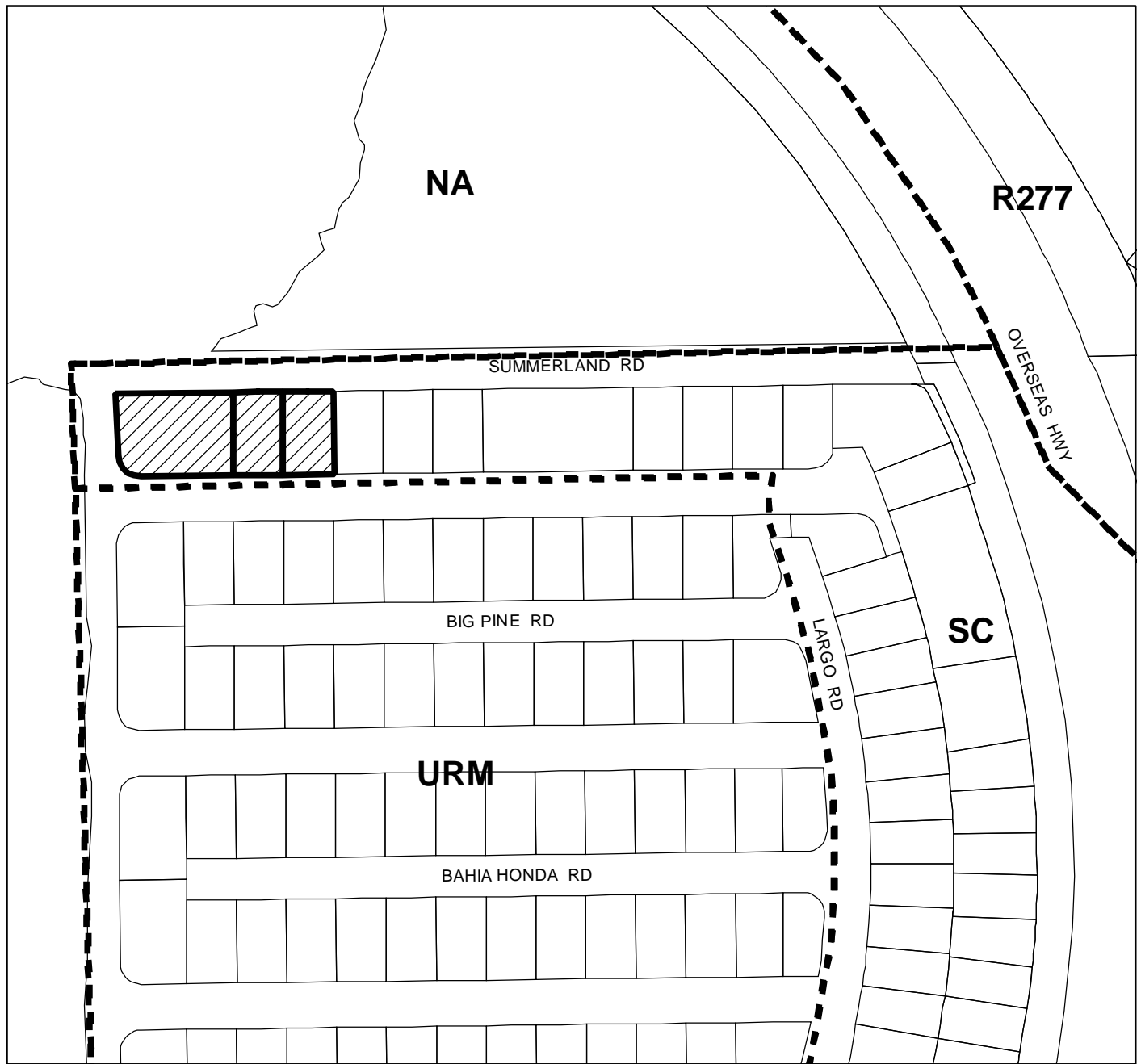
Proposal: Change Land Use District from Suburban Commercial District (SC) to Mixed Use District (MU).

Property Description: RE 00537400.000000, 00537410.000000, and 00537420.000000

Map Amendment: M25074

Land Use District Map #: 104





**The Monroe County Land Use Map is proposed to be amended
as indicated above and briefly described as:**

Key: Key Largo

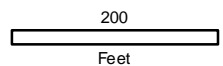
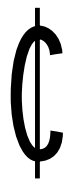
Mile Marker: 106.5

Proposal: Change Land Use District from Suburban Commercial District (SC)
to Mixed Use District (MU).

Property Description: RE 00537400.000000, 00537410.000000,
and 00537420.000000

Map Amendment: M25074

Land Use District Map #: 104



BOCC STAFF REPORT

GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

Upper Keys Planning Office

88800 Overseas Highway
Tavernier FL 33070
Voice: (305) 852-7100
FAX: (305) 852-7103

MEMORANDUM

TO: Monroe County Board of County Commissioners
FROM: David A. Dacquisto, Director, Upper Keys Island Planning Team
RE: John C. and Wendi A. Moore, Land Use District Map Amendment
Date: January 9, 2006

MEETING DATE: February 15, 2006
EXISTING FUTURE LAND USE DESIGNATION: Mixed Use/Commercial (MC)
PROPOSED FUTURE LAND USE DESIGNATION: **Remains Unchanged**
EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPOSED ZONING DESIGNATION: Mixed Use (MU)
PROPERTY OWNER: John C. and Wendi A. Moore
AGENT: John J. Jabro

PROPERTY INFORMATION

Key: Key Largo
Size: 0.584 acres, 25,439 sq. ft. platted
0.572 acres, 24,916 sq. ft. upland
Mile Marker: MM 106

Location Detail & Brief Description:

The site is located at the western end of Summerland Road and comprises the last 3 lots, Re #s 00537400.000000; 00537410.000000; 00537420.000000.

Legally described as: Block 13, Lots 1, 2 and 3, Lake Surprise Estates, Key Largo. The site has 0.584 plated acres, 25,439 sq. ft. and 0.572 upland acres, 24,916 sq. ft.

Existing Use:

The site is presently undeveloped. The previous commercial building that housed a restaurant and bar has been demolished.

Existing Habitat:

The property is classified as disturbed, cleared of most vegetation. There is a mangrove wetland on the other side of Summerland Road.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property as disturbed (code 740) per map sheet No: 298.

Neighboring Land Uses and Character:

The lot immediately east of the subject properties has a residence that was previously owned by the Moores. The lots to the east of the subject properties are a mix of vacant lots, residential and commercial uses. To the north, is an undeveloped mangrove wetland owned by the State. The land to the south, across a canal, is residential and predominately mobile home.

ZONING AND LAND USE HISTORY**Pre-1986 Zoning:**

Block 13, Lot 1, Lake Surprise Estates was zoned to BU-2, medium commercial, January 23, 1970. Prior to the rezoning, the lot was zoned BU-1, light business district. Lots 2 and 3 remained BU-1.

The 1973 zoning map shows Lot 1 as BU-2 and Lots 2 and 3 as BU-1. The properties east of Lots 2 and 3 were also zoned, BU-1 with the properties across the canal to the south zoned RU-5, mobile home residential district and the land to the north zoned GU general use district.

The BU-1 and BU-2 were commercial zoning districts BU-2 being more permissive and allowing greater latitude in liquor licensing.

Considerations During the 1986 Comprehensive Plan Process:

In September 1986, the Land Use District Map was adopted and the subject property was rezoned to Sub Urban Commercial (SC) (Ordinance 33-1986 dated February 28, 1986). This would have been consistent with the existing land use district map designations at that time of BU-1 and BU-2.

Considerations During the 2010 Comprehensive Plan Process:

During the 2010 Comprehensive Plan process, the Future Land Use Map (FLUM) categories were introduced. The properties along with the properties to the east were given a FLUM designation of Mixed Use Commercial (MC), consistent with the Sub Urban Commercial (SC) land use district map designation.

Changes to Boundary Considerations Since 1986:

Zoning on the subject property has not changed since 1986.

ANALYSIS & RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) (b))**9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions:**

The applicant points to the presence of detached residential dwellings in the SC district along Summerland Road as an indication of how actual development differs from the possible SC development and support for a land use district map designation that would allow detached residential dwellings. The mix of commercial and residential land uses is consistent with the Mixed Use (MU) district.

9.5-511 (d) (5) (b) (iii) Data Errors:

None.

9.5-511 (d) (5) (b) (IV) New Issues:

The applicant states the Department of Transportation will require any business that would attract significant vehicular traffic to install a deceleration lane at the applicants sole cost on U.S. 1, should the applicant choose to develop the property commercially. The applicant states that the projected cost of the deceleration lane is \$100,000.

9.5-511 (d) (5) (b) (v) Recognition of a need for additional detail or comprehensiveness:

None.

IMPACT AND POLICY ANALYSIS

Comparison of Development Potential for the Current and Proposed Land Uses:

1. *Current Land Development Regulations (LDR's)*

Currently, the subject property has a Sub Urban Commercial (SC) land use district map designation.

Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC).

The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

The Sub Urban Commercial District does not permit detached dwellings.

The **Future Land Use Category** that corresponds to the Sub Urban Commercial (SC) land use district is the Mixed Use/Commercial (MC) FLUM.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

2. *Potential land uses with proposed Map Amendment*

The applicant requests a Mixed Use (MU) land use district map designation.

Sec. 9.5-219. Purpose of the Mixed Use District (MU).

The purpose of the MU district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.

Uses permitted as-of-right include:

- (1) Detached residential dwellings;

The Mixed Use District permits detached residential dwellings in contrast to the Sub Urban Commercial District that does not.

The **Future Land Use Category** that corresponds to the Mixed Use (MU) land use district is the Mixed Use/Commercial (UC) FLUM.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

Compatibility With Adjacent Land Uses and Effects on Community Character:

The Monroe County Code addresses this issue with Section 9.5-511 that prohibits amendments that would negatively affect community Character.

1. *Density and Intensity*

The proposed Mixed Use (MU) land use district has a similar list of permitted and conditional uses as the present Sub Urban Commercial (SC) land use district. However, the MU land use district allows detached residential dwellings and the SC land use district does not.

The two land use districts share the same maximum floor area ratio and open space requirement.

2. *Use Compatibility*

Permitted and conditional uses listed in the MU land use district are similar to those in the SC land use district and both would allow similar types of development in the area. The MU land use district allows detached residential dwellings that the SC land use district does not.

The proposal to construct a detached residential dwelling on the subject property would be compatible with the neighboring properties to the east along Summerland Road and south across the canal.

Effects on Natural Resources Goal 102:

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

The proposal to construct a detached residential dwelling on the subject property would have to meet provision to prevent storm-water runoff into the adjacent canal and mangrove wetland area across the street.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

1. *Local Traffic and Parking*

The subject property is located on Summerland Road. Summerland Road is a dead end road of approximately 950 feet in length.

2. *Traffic Circulation*

The site is served by US-1 a four lane divided highway with a connection via Summerland Road. The Key Largo highway segment has a **Level of Service rating of A** and is considered **Adequate**. The proposed land use district map amendment should not affect the LOS.

3. *Solid Waste*

The existing solid waste haul out contract will provide Monroe County with **guaranteed capacity to September 30, 2016**. The proposed land use district map change if

compared to the previous restaurant use on the site will not have a discernable effect on solid waste generation or removal. If developed for other potential uses under the existing designation, solid waste generation would be similar.

4. *Potable Water*

The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the anticipated demand. The proposed land use district map amendment is not anticipated to have any discernable effect on potable water withdrawals.

5. *Stormwater*

Section 9.5-293 of the Land Development Regulations requires that all developments retain stormwater onsite following Best Management Practices (BMP). Pursuant to **Policy 101.1.1** all projects shall be designed so that the discharges will meet Florida State Water Quality Standards. Compliance review for these sections is determined by the South Florida Water Management District and occurs at the time a development permit has been filed.

6. *Wastewater*

Policy 901.1.1 requires that at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development. Wastewater issues will be addressed at the time a development proposal is brought forward.

Effects on Redevelopment / Infill Potential:

The site was previously cleared and developed. The restaurant and bar were subsequently torn down and the site is now a vacant parcel of land consisting of three platted lots.

Under the MU land use district designation, the applicant would have the potential to develop a detached residential dwelling on the site in addition to allowed commercial uses..

The MU land use district has an:

Allocated Density of One (1) dwelling unit per acre

Maximum Net Density of twelve (12) dwelling units per acre.

The existing SC district has an:

Allocated Density of three (3) dwelling units per acre

Max Net Density of six (6) dwelling units per acre

This SC district's allowable Max Net Density is one-half of that allowed by the MU land use map district.

The subject property is .572 acres and under the MU district zoning has an open space requirement of 20%.

Based on the Allocated density, the subject site of .572 acres does not have sufficient potential for one detached residential dwelling. The site area only qualifies for .572 of one dwelling unit based on an allocated density of one dwelling unit per acre.

To construct one dwelling unit, the applicant will be required to acquire and transfer to the site .428 Transfer Development Rights (TDR).

Based on a Max Net density of 12 units per acre:

Site area .572 acres

Minus an open space requirement of 20 %,

Results in a net buildable area of .457 acres.

Net buildable area of .457 acres

Times Max Net Density of 12 units per acre

Results in an allowed Maximum Net Density at the site of 5.49 dwelling units based on the area available, this rounds down to five (5) dwelling units.

Based on Max Net Density, after qualifying to construct one residential unit through the TDR of .428 development rights to the site, the applicant has potential to construct an additional four (4) detached dwelling units through TDR of an additional four (4) development rights to the site.

The SC and MU land use districts have the same maximum floor area ratios for commercial development.

Based on low intensity commercial development with a maximum floor area ration of .35 and if no other development is proposed, the .572 acre site, 24,916 sq. ft., would be eligible for 8,720 sq. ft. of office development, $(24,916 \text{ sq. ft.} \times .35 \text{ mfar} = 8,720 \text{ sq. ft.})$.

FINDINGS OF FACT

1. The pre-1986 zoning of the subject property was BU-1 and BU-2.
2. During the 1986 Comprehensive Plan process, the land use districts of the subject property were changed to Sub Urban Commercial (SC) consistent with the previous commercial zoning.
3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Mixed Use Commercial for the three parcels.
4. **Section 9.5-511 (d) (5) b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

5. In accordance with **Section 9.5-511 (d) (5) (b) (i) Changed Projections and (ii) Changed Assumptions**, the applicant has established that existing detached residential dwellings in the SC district are an indication of how actual development differs from the possible SC development and support a land use district map designation that would allow detached residential dwellings.
6. In accordance with **9.5-511 (d) (5) (b) (IV) New Issues**, the applicant has established that the Department of Transportation has expressed a requirement that any business that would attract significant vehicular traffic to the site, install a deceleration lane at the applicants sole cost on U.S. 1, should the applicant choose to develop the property commercially. The projected cost of the deceleration lane is stated as \$100,000.
7. The applicant initiated the land use change application to reclassify the Block 13, Lots 1, 2 and 3, Lake Surprise Estates to a land use district that would recognize the existing character of the area and allow detached residential dwellings.
8. **Policy 101.4.5** of the Monroe County Year 2010 Comprehensive Plan states that the principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities, which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category: only low intensity commercial uses shall be allowed; a maximum floor area ratio of 0.10 shall apply; and maximum net residential density shall be zero.
9. **Sec. 9.5-219 Purpose of the Mixed Use District (MU)** states that the purpose of the MU district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.
10. **Section 9.5-248 Mixed Use District (MU)** indicates that the MU zoning district permits detached residential dwellings and is the most applicable zoning district for the proposed land use change.
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.
14. **Goal 102** of the Monroe county Year 2010 Plan states that Monroe County shall direct future growth to lands that are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

CONCLUSIONS OF LAW

1. The land use district map amendment meets the requirements outlined in **Section 9.5-511** and the requirements meets the intent and purpose of **Section 9.5-219**.
2. The proposed land use district map amendment supports **Objective 101.11** which states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development based on the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater.
3. The proposed land use district map amendment is sufficiently consistent with Goal 102 of the Monroe county Year 2010 Comprehensive Plan, as it is consistent with the purpose of the Mixed Use/Commercial (MC) Future Land Use category.
4. The propose land use district map amendment will not have a negative impact on community character.

RECOMMENDATIONS

Based on the Findings of Fact and Conclusions of Law above and the recommendations of the Planning Staff and the Development Review Committee, the Planning Commission recommends **APPROVAL** to the Monroe County Board of County Commissioners of the proposed Official Land Use District Map amendment from Sub Urban Commercial (SC) to Mixed Use (MU).